

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 07 CR 840-2
v.)
) Judge Joan B. Gottschall
ROBERT E LOUIS)

EMERGENCY¹ MOTION
FOR A COMPETENCY EVALUATION

Defendant ROBERT LOUIS, by the Federal Defender Program and its attorney, SERGIO F. RODRIGUEZ, pursuant to 18 U.S.C. §4241 (a) and (b), respectfully requests the entry of an order that a psychiatric or psychological examination of the defendant be conducted and that a report be filed so that, if appropriate, the Court may hold a hearing to determine the mental competency of the defendant to continue with his case. In support defendant states:

1. Defendant was arraigned, along with his co-defendant on January 17, 2008 and pled not guilty. (Docket Sheet attached as Exhibit 1.) Mr. Louis has been detained since the beginning of the case and has been housed in the Kankakee County Correctional facility. Although the initial Pretrial Report in this case indicated that Mr. Louis had a history of depression and had at one time been on anti-depressant medication, counsel believed that defendant was able to assist with his defense.
2. Recently, Mr. Louis' long-time girlfriend contacted counsel regarding her concerns about Mr. Louis' mental health.

¹A status hearing is presently set for Wednesday, March 12, 2008 at 9:30, where counsel will present this motion.

3. During this conversation, it was learned that Mr. Louis indeed has had a long history of mental health issues. He has been treated for these at Stroger Hospital and at the Lawndale Christian Health Center. In addition, he was in a very serious accident involving the explosion of a van where Mr. Louis received severe head trauma and other injuries that may have affected his thought process. (A draft order for subpoena power so that counsel can obtain these records will be brought to Court at the status hearing.) It was also revealed that Mr. Louis has recently been more depressed and nervous, and has begun even more problems remembering things. Furthermore, counsel visited with Mr. Louis in Kankakee on March 10, 2008. After this meeting, it is counsel's belief that Mr. Louis may be more depressed and it is becoming more difficult to focus Mr. Louis on issues of his case. He is having problems remembering things that may be helpful to his defense.

4. Because of these newly revealed apparent mental health difficulties, counsel is concerned that Mr. Louis may be suffering from a mental health or some other type of condition or problem that impedes him from being able to assist in his own defense. Only a comprehensive competency evaluation can determine this.

5. Counsel spoke with the legal department at the M.C.C. who said that because Mr. Louis is housed in Kankakee County, the easiest and quickest way to have Mr. Louis evaluated is to have the Bureau of Prisons do it. Therefore, Defendant respectfully requests that this Court issue an order directing that Robert Louis be examined by a licensed or certified psychiatrist or psychologist from the Bureau of Prisons who shall prepare and file with the Court, defense counsel, and the government, a written report² that includes:

²A draft order is attached.

- a) defendant's history and present symptoms;
- b) a description of the psychiatric, psychological, and medical tests that were employed, and their results;
- c) the examiner's findings;
- d) the examiner's opinions as to diagnosis and prognosis;
- e) an opinion whether defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

WHEREFORE, defendant requests that this motion be granted and that arrangements be made to have the defendant evaluated for competency.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

By: s/Sergio F. Rodriguez
Sergio F. Rodriguez

Sergio F. Rodriguez
FEDERAL DEFENDER PROGRAM
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CERTIFICATE OF SERVICE

The undersigned, Sergio F. Rodriguez, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CRIM. P. 49, FED. R. CIV. P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

**EMERGENCY³ MOTION
FOR A COMPETENCY EVALUATION**

was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on March 11, 2008, to counsel/parties that are non-ECF filers:

By: s/Sergio F. Rodriguez
SERGIO F. RODRIGUEZ
FEDERAL DEFENDER PROGRAM
55 E. Monroe St., Suite 2800
Chicago, Illinois 60603
(312) 621-8353

³A status hearing is presently set for Wednesday, March 12, 2008 at 9:30, where counsel will present this motion.

ATTACHMENT

Proposed Draft Order

IN THE
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v.) No. 07 CR 840-2
ROBERT LOUIS)
) Judge Joan B. Gottschall
)

ORDER

This matter being brought before the court and all parties advised thereof, IT IS HEREBY ORDERED THAT: Defendant ROBERT LOUIS be examined for a competency evaluation by the Bureau of Prisons. This order is entered pursuant to defendant's counsel's motion to determine competency and request for psychiatric or psychological examination and report, 18 U.S.C. §4241(a) and (b). The Bureau of Prisons examiner shall prepare and file with the Court, defense counsel, and the government, a written report that includes:

- a) defendant's history and present symptoms;
- b) a description of the psychiatric, psychological, and medical tests that were employed, and their results;
- c) the examiner's findings;
- d) the examiner's opinions as to diagnosis and prognosis;
- e) an opinion whether defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

ENTER:

Judge Joan B. Gottschall

DATED: _____